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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,128	11/08/2000	Thomas W. von Alten	10002324-1	4619
22879	7590	01/20/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			AFSHAR, KAMRAN	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 01/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,128

Applicant(s)

VON ALTEN, THOMAS W.

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuria (U.S. Patent 5,939,975).

With respect to claim 1, Tsuria discloses a method for permitting a user to temporarily use a resource (See e.g. 11 of Fig. 1A, Abstract, Co. 4, Lines 32-53), comprising: receiving user identity information with an identity confirmation device of the resource (See e.g. Co. 9, Lines 14-37, 38 & 46 of Fig. 1A); confirming the identity of the user with a security device of the resource; providing the user with access to the resource (See e.g. Co. 9, Lines 14-37, 38 & 46 of Fig. 1A); monitoring and recording information about use of the resource with a monitoring system of the resource (See e.g. Co. 4, Lines 22-53, Co. 9, Lines 38-49, Co. 11, Lines 44-47, 48, 42, 26, & 32 of Fig. 1A); reacquiring the resource from the user; and obtaining resource use information from the resource monitoring system of the resource (See e.g. Co. 15, Lines 45-60, & Entire Document).

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Regarding claim 2, Tsuria discloses the user identity information is obtained from an identity card of the user (See e.g. Co. 9, Lines 14-37, 38 & 46 of Fig. 1A).

Regarding claim 3, Tsuria discloses the identity confirmation device comprises a card reader (See e.g. Co. 9, Lines 14-37, 38 & 46 of Fig. 1A).

Regarding claim 4, Tsuria discloses cross-referencing the user identity information with information stored in a resource memory (See e.g. Co. 9, Lines 14-37, 38 & 46 of Fig. 1A).

Regarding claim 5, Tsuria discloses the user identity is confirmed by receiving and confirming a code entered by the user (See e.g. Co. 15, Lines 45-60, 52 of Fig. 1A).

Regarding claim 6, Tsuria discloses wherein the security device comprises a keypad (See e.g. Co. 15, Lines 45-60, 52 of Fig. 1A).

Regarding claim 7, Tsuria discloses cross-referencing the received user code with information stored in a resource memory (See e.g. Co. 9, Lines 14-37, 38 & 46 of Fig. 1A).

3. Claims 1-4, 8, 10, 12-15, 27-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop (U.S. Patent 4,965,821).

With respect to claims 1, 27, Bishop discloses a method for permitting or accessing or monitoring a user to temporarily use a resource (See e.g. Co. 3, Lines 41-53), receiving user identity information with an identity confirmation device of the resource (See e.g. 234, 236 of Fig. 2, Co. 7, Lines 15-28); confirming the identity of the user with a security device of the resource; providing the user with access to the resource; monitoring and recording information about use of the resource with a monitoring system of the resource (See 320, 326, 328, 330, 334 of Fig. 3B); reacquiring the resource from the user; and obtaining resource use information from the resource monitoring system of the resource (See e.g. 234, 236 of Fig. 2, Co. 7, Lines 15-28, Co. 8, Lines 41-60, Flow chart of Figs. 3A-3B ).

Regarding claim 2, Bishop discloses the user identity information is obtained from an identity card of the user (See e.g. 234, 236 of Fig. 2, Co. 7, Lines 15-28).

Regarding claim 3, Bishop discloses the identity confirmation device comprises a card reader (See e.g. 234, 236 of Fig. 2, Co. 7, Lines 15-28).

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Regarding claim 4, Bishop discloses cross-referencing the user identity information with information stored in a resource memory (See e.g. Co. 4, Lines 40-56, Co. 8, Line 47-60).

Regarding claim 8, Bishop discloses obtaining user identity and resource information once the user takes the resource (See e.g. Co. 4, Lines 19-39, Co. 8, Lines 41-60, Flow chart of Figs. 3A-3B).

Regarding claim 10, Bishop discloses the resource use information is obtained from the resource once the resource has been returned (See e.g. Co. 11, Line 63 to Co. 12, Line 4, Flow Chart of Fig. 4).

Regarding claim 12, Bishop discloses the user is permitted to use the resource in exchange for a rental fee (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

Regarding claim 13, Bishop discloses providing a transaction summary to the user once the user terminates resource use (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

Regarding claim 14, Bishop discloses billing the user once the resource is reacquired (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

Regarding claim 15, Bishop discloses locating and retrieving the resource after the user has terminated resource use (See e.g. Co. 12, Lines 45-52, Co. 13, Lines 53-60).

Regarding claim 28, Bishop discloses the identify confirmation device comprises a card reader provided on the exterior of the automobile that reads information from a user identity card See e.g. 234, 236 of Fig. 2, Co. 7, Lines 15-28).

Regarding claim 29, Bishop discloses the security device is a keypad provided on the exterior of the automobile that accepts user code information from the user (See Co. 5, Lines 40-51).

Regarding claim 30, Bishop discloses a communications system that transmits information to and receives information from a central office (See Co. 5, Lines 40-61).

Regarding claim 31, Bishop discloses a display device that communicates information to the user (See 232 of Fig. 2).

Regarding claim 32, Bishop discloses a printing device that provides the user with a summary of use information (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

4. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated Klein (U.S. Patent 5,726,886).

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With respect to claim 16, Klein discloses a method for permitting a user to temporarily use an automobile, comprising: receiving identity information from a user identity card with a card reader provided on the exterior of the automobile; receiving a user code with a security device provided on the exterior of the automobile; unlocking the automobile doors in response to receiving a user code that correctly corresponds to the identity card; and permitting the automobile engine to be started once the user identity card is received by a card reader located inside the automobile (See Co. 4, Lines 50-60).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Miyamoto (U.S. Patent 6,011,320).

With respect to claim 1, Miyamoto discloses a method for permitting a user to temporarily use a resource (See e.g. Co. 1, Lines 15-27), comprising: receiving user identity information with an identity confirmation device of the resource (See e.g. 101, 105 of Fig. 9); confirming the identity of the user with a security device of the resource; providing the user with access to the resource (See e.g. Co. 3, Lines 4-21 & Lines 37-51); monitoring and recording information about use of the resource with a monitoring system of the resource; reacquiring the resource from the user; and obtaining resource use information from the resource monitoring system of the resource (See e.g. Co. 3, Lines 4-21 & Lines 37-51, & Entire Document).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (U.S. Patent 5,726,886) in view of Matsumoto (U.S. Patent 6,417,781 B1).

Regarding claim 17, Klein disclosed everything as applied above in claim 16. However, Klein did not explicitly teach the user identity and automobile information is transmitted from the automobile to a

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central office over a short-range wireless communications system when the automobile is taken by the user. In the same field of endeavor, Matsumoto teaches teach the user identity and automobile information is transmitted from the automobile to a central office over a short-range wireless communications system when the automobile is taken by the user (See Title, Abstract, Co. 5, Lines 40-65 & Flow Chart of Figs. 7, 9). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Matsumoto to Klein for limiting communication are between 3 meters to 30 meters as suggested by Matsumoto (See Co. 2, Line 5-10).

8. Claims 18-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (U.S. Patent 5,726,886) in view of Bishop (U.S. Patent 4,965,821).

Regarding claims 18-19, Klein disclosed everything as applied above in claim 16. However, Klein did not explicitly teach sensing and recording use conditions of the automobile with a vehicle monitoring system. In the same field of endeavor, Bishop teaches sensing and recording use conditions of the automobile with a vehicle monitoring system (See e.g. Co. 12, Lines 53-63). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Bishop to Klein the vehicle monitoring system monitors the mileage driven and duration of use as suggested by Bishop (See e.g. Co. 12, Lines 53-63).

Regarding claim 20, Bishop discloses the vehicle monitoring system further monitors the places where the automobile is taken in conjunction with a GPS device of the automobile (See e.g. Co. 6, Lines 40-49).

Regarding claim 21, Bishop discloses further comprising obtaining automobile use information from the automobile upon reacquisition of the automobile (See e.g. Co. 12, Lines 45-52, Co. 13, Lines 53-60).

Regarding claim 23, Bishop discloses the user is permitted to use the automobile in exchange for a rental fee (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

Regarding claim 24, Bishop discloses providing a transaction summary to the user upon receiving a use termination communication from the user (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

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Regarding claim 25, Bishop discloses automatically billing the user for use of the automobile upon receipt of the use termination communication (See e.g. Flow Chart of Fig. 4, Co. 12, Line 30 – Co. 13, Line 60).

Regarding claim 26, Bishop discloses locating and retrieving the automobile after the user has communicated termination of use (See e.g. Co. 12, Lines 45-52, Co. 13, Lines 53-60).

9. Claims 9, 11, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (U.S. Patent 5,726,886) in view of Bishop (U.S. Patent 4,965,821) further in view of Matsumoto (U.S. Patent 6,417,781 B1).

Regarding claims 9, 11, 22, Klein in view of Bishop disclosed everything as applied above in claim 16. However, both Klein and Bishop did not explicitly teach the user identity and / or the resource use information is transmitted from the resource over a short-range wireless communication system. In the same field of endeavor, Matsumoto teaches teach the user identity and / or the resource use information is transmitted from the resource over a short-range wireless communication system (See Title, Abstract, Co. 5, Lines 40-65 & Flow Chart of Figs. 7, 9). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Matsumoto to Klein in view of Bishop for limiting communication are between 3 meters to 30 meters as suggested by Matsumoto (See Co. 2, Line 5-10).

### **Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached @ (703) 305-4040. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314 for all communications.

  
Kamran Afshar

  
SINH TRAN  
PRIMARY EXAMINER